

Docket as of August 7, 1997 11:19 pm

Web PACER (v2.3a-WDLA)

U.S. District Court  
U.S. District Court for Western Louisiana (Shreveport)

SDMS Document ID



1008510

CIVIL DOCKET FOR CASE #: 95-CV-2115

Crystal Oil Co, et al v. Atlantic Richfield

**RECEIVED**

Filed: 11/30/95

Assigned to: Judge Tom Stagg

Referred to: Magistrate Judge Roy S Payne

Demand: \$0,000

Nature of Suit: 890

Lead Docket: None

Jurisdiction: Federal Question

Dkt# in other court: None

Cause: 28:2201 Declaratory Judgment

DEC 3 1 2003

Office of Enforcement  
Compliance & Environmental  
JusticeCRYSTAL OIL CO  
plaintiff

Winstol D Carter, Jr

[COR]

Osborne J Dykes, III

[COR LD NTC]

Eva M Fromm

[COR]

Dianne Blackwell Ralston

[COR]

Fulbright &amp; Jaworski

1301 McKinney Ste 5100

Houston, TX 77002

713-651-5151

Bernard S Johnson

[COR]

Albert M Hand, Jr

[COR NTC]

James R Jeter

[COR]

Cook Yancey et al

P O Box 22260

Shreveport, LA 71120-2260

318-221-6277

Winstol D Carter, Jr

(See above)

[COR]

Osborne J Dykes, III

(See above)

[COR LD NTC]

Eva M Fromm

(See above)

[COR]

Dianne Blackwell Ralston

(See above)

[COR]

Bernard S Johnson

(See above)

[COR]

Albert M Hand, Jr

**PUBLIC  
DOCUMENT**CRYSTAL EXPLORATION &  
PRODUCTION CO  
plaintiff

	(See above)
	[COR NTC]
	James R Jeter
	(See above)
	[COR]
v.	
ATLANTIC RICHFIELD CO	W Michael Adams
defendant	[COR LD NTC]
	Robert W Johnson
	[COR]
	Blanchard Walker et al
	P O Drawer 1126
	Shreveport, LA 71163-1126
	318-221-6858
	FTS 227-2967
	Roger L Freeman
	[COR NTC]
	Davis Graham & Stubbs L L C
	370 17th St Ste 4700
	Denver, CO 80202
	303-892-9400
	Lary D Milner
	[COR NTC]
	Atlantic Richfield Co
	555 17th St 16th Fl
	Denver, CO 80202
	303-293-7575
ATLANTIC RICHFIELD CO	W Michael Adams
counter-claimant	[COR LD NTC]
	Robert W Johnson
	[COR]
	Blanchard Walker et al
	P O Drawer 1126
	Shreveport, LA 71163-1126
	318-221-6858
	FTS 227-2967
	Roger L Freeman
	[COR NTC]
	Davis Graham & Stubbs L L C
	370 17th St Ste 4700
	Denver, CO 80202
	303-892-9400
	Lary D Milner
	[COR NTC]
	Atlantic Richfield Co
	555 17th St 16th Fl
	Denver, CO 80202
	303-293-7575
CRYSTAL OIL CO	Winstol D Carter, Jr
counter-defendant	[COR]
	Osborne J Dykes, III
	[COR LD NTC]
	Eva M Fromm
	[COR]
	Dianne Blackwell Ralston
	[COR]
	Fulbright & Jaworski
	1301 McKinney Ste 5100
	Houston, TX 77002
	713-651-5151
CRYSTAL EXPLORATION &	Winstol D Carter, Jr
PRODUCTION CO	(See above)
counter-defendant	[COR]
	Osborne J Dykes, III

(See above)  
[COR LD NTC]  
Eva M Fromm  
(See above)  
[COR]  
Dianne Blackwell Ralston  
(See above)  
[COR]

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## DOCKET PROCEEDINGS

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DATE	#	IMG	DOCKET ENTRY
11/30/95	--		FILING FEE paid; Amount of fee \$120.00, Receipt #65369. (bach) [Entry date 12/05/95]
11/30/95	--		CASE ASSIGNED to Magistrate Judge Roy S Payne for Discovery (sd) [Entry date 12/06/95]
11/30/95	1		COMPLAINT filed (sd) [Entry date 12/06/95]
12/13/95	2		MOTION by Crystal Oil Co and Crystal Exp & Prod for Osborne J Dykes III, Eva M Fromm and Dianne Blackwell Ralston to appear pro hac vice with Proposed Order referred to Magistrate Judge Roy S Payne (om) [Entry date 12/14/95]
12/15/95	3		ORDER granting [2-1] motion for Osborne J Dykes III, Eva M Fromm and Dianne Blackwell Ralston to appear pro hac vice for plaintiffs. (signed by Magistrate Judge Roy S Payne) NOE by: sjd (sd)
1/23/96	4		MOTION by Atlantic Richfield Co for extension of time to file responsive pleadings with Proposed Order referred to Magistrate Judge Roy S Payne (om) [Entry date 01/24/96]
1/26/96	5		ORDER granting [4-1] motion for extension of time to file responsive pleadings; set answer due for 3/6/96 for Atlantic Richfield. (signed by Magistrate Judge Roy S Payne) NOE by: sjd (sd)
1/26/96	6		ORDER; set scheduling conference for 1:30 3/8/96 before Magistrate Judge Roy S Payne. (signed by Magistrate Judge Roy S Payne) NOE by: sjd (sd) [Entry date 01/29/96]
2/9/96	7		MOTION by Atlantic Richfield for Roger L Freeman and Lary D Milner to appear pro hac vice with Proposed Order referred to Magistrate Judge Roy S Payne (om) [Entry date 02/12/96] [Edit date 02/12/96]
2/16/96	8		ORDER granting [7-1] motion for Roger L Freeman and Lary D Milner to appear pro hac vice and participate as co-counsel for Atlantic Richfield Co. (signed by Magistrate Judge Roy S Payne) NOE by: sjd (sd) [Entry date 02/19/96]
3/1/96	9		MINUTE ENTRY ORDER; reset scheduling conference for 4:00 3/12/96 before Magistrate Judge Roy S Payne. (signed by

Magistrate Judge Roy S Payne) NOE by: sjd (sd)

- 3/6/96 10 ANSWER to Complaint and CINTERCLM by Atlantic Richfield against Crystal Oil Co, Crystal Exp & Prod (cag) [Entry date 03/07/96]
- 3/6/96 11 MOTION w/ brief by Atlantic Richfield to transfer case to Colorado [11-1] motion set for 4/8/96 before Magistrate Judge Roy S Payne Notice issued. (X-folder) (cag) [Entry date 03/07/96] [Edit date 03/07/96]
- 3/11/96 12 MOTION by Crystal Oil Co and Crystal Exp & Prod for Albert M Hand Jr, James R Jeter and Bernard S Johnson to enroll as additional counsel of record with Proposed Order referred to Magistrate Judge Roy S Payne (om) [Entry date 03/12/96]
- 3/12/96 -- Scheduling conference held on 03/12/96 before Magistrate Judge Payne (sd) [Entry date 03/18/96]
- 3/14/96 13 ORDER granting [12-1] motion for Albert M Hand Jr, James R Jeter and Bernard S Johnson to enroll as additional counsel of record on behalf of Plaintiffs. (signed by Magistrate Judge Roy S Payne) NOE by: sjd (sd) [Entry date 03/15/96]
- 3/15/96 14 MINUTE ENTRY ORDER; in accordance with the Scheduling Conference, entry of a formal Scheduling Order will be deferred until after venue has been decided. Plaintiff will be allowed until 04/08/96 to file any opposition to the Motion to Transfer; Response to motion reset to 4/8/96 for [11-1] motion to transfer case to Colorado and defendant may file any reply brief by 04/19/96; set notice compliance due for 3/15/96 for plaintiff to propound any request for production of documents and defendant is directed to respond fully thereto by 04/15/96; set response to request for production of documents due for 4/15/96. Plaintiff should thereafter proceed promptly to take any necessary depositions in order to file any motion for summary judgment by 06/14/96. A status conference will be held before RSP on 06/21/96 at 3:00 p m to schedule further proceedings; set status conference for 3:00 6/21/96 before Magistrate Judge Roy S Payne. (signed by Magistrate Judge Roy S Payne) NOE by: sjd (sd) [Entry date 03/18/96]
- 3/15/96 -- Deadline updated; motion filing deadline for 6/14/96 (sd) [Entry date 03/18/96]
- 3/29/96 15 ORIGINAL ANSWER by Crystal Oil Co and Crystal Exp & Prod to [10-2] counter claim (om) [Entry date 04/02/96]
- 4/8/96 16 RESPONSE with Memorandum by Crystal Oil Co and Crystal Exploration & Production Co in opposition to [11-1] motion to transfer case to Colorado (ATTCH-X) (om) [Edit date 04/08/96]
- 4/19/96 17 JOINT MOTION by Crystal Oil Co, Crystal Exp & Prod and Atlantic Richfield for extension of pretrial filing deadlines with Proposed Order referred to Magistrate Judge Roy S Payne (om) [Entry date 04/22/96]
- 4/19/96 18 REPLY MEMORANDUM by Atlantic Richfield in support of [11-1] motion to transfer case to Colorado (om) [Entry date 04/22/96]

4/26/96 19 MOTION by Crystal Oil Co and Crystal Exp & Prod for leave to file Supplemental Memorandum in Opposition to Defendant's Motion to Transfer Venue with Proposed Order referred to Magistrate Judge Roy S Payne (om)

4/26/96 20 ORDER granting [17-1] motion for extension of pretrial filing deadlines; reset response to request for production of documents, due for 5/17/96; set answers to interrogatories due for 5/31/96; reset motion filing deadline for 7/31/96. (signed by Magistrate Judge Roy S Payne) NOE by: sjd (sd)

4/29/96 21 ORDER granting [19-1] motion for leave to file Supplemental Memorandum in Opposition to Defendant's Motion to Transfer Venue. (signed by Magistrate Judge Roy S Payne) NOE by: sjd (sd) [Entry date 04/30/96]

4/29/96 22 SUPPLEMENTAL memorandum by Crystal Oil Co, Crystal Exp & Prod in opposition to [11-1] motion to transfer case to Colorado (X-ATT) (sd) [Entry date 04/30/96]

5/3/96 23 MOTION by Atlantic Richfield for leave to file final reply memorandum with Proposed Order referred to Magistrate Judge Roy S Payne (om) [Entry date 05/06/96]

5/10/96 24 ORDER granting [23-1] motion for leave to file final reply memorandum. (signed by Magistrate Judge Roy S Payne) NOE by: sjd (sd) [Entry date 05/13/96]

5/10/96 25 FINAL REPLY by Atlantic Richfield to response to [11-1] motion to transfer case to Colorado (sd) [Entry date 05/13/96]

5/15/96 26 MOTION w/ brief by Crystal Oil Co to refer bankruptcy discharge issue to the Bankruptcy Court, [26-1] motion set for 6/17/96 before Magistrate Judge Roy S Payne. Notice issued. (om) [Entry date 05/16/96]

5/21/96 27 MOTION by Atlantic Richfield for extension of time in which defendant may answer or object to plaintiffs' first request for admissions with Proposed Order referred to Magistrate Judge Roy S Payne (donna) [Entry date 05/22/96]

5/23/96 28 ORDER granting [27-1] motion for extension of time in which defendant may answer or object to plaintiffs' first request for admissions until 05/31/96. (signed by Magistrate Judge Roy S Payne) NOE by: sjd (sd)

5/31/96 29 MEMORANDUM by Atlantic Richfield in opposition to [26-1] motion to refer bankruptcy discharge issue to the Bankruptcy Court (om) [Entry date 06/03/96]

6/7/96 30 REPLY Memorandum by Crystal Oil Co and Crystal Exp & Prod in support of [26-1] motion to refer bankruptcy discharge issue to the Bankruptcy Court (om) [Entry date 06/10/96]

7/2/96 31 JOINT MOTION by Crystal Oil Co, Crystal Exp & Prod, Atlantic Richfield for extension of pretrial filing deadlines with Proposed Order referred to Magistrate Judge Roy S Payne (om)

7/8/96 32 ORDER granting [31-1] motion for extension of pretrial filing deadlines; reset answers to interrogatories due for 8/5/96; reset response to request for production of

documents due for 8/5/96; reset motion filing deadline for 10/31/96 for filing of any motion for summary judgment. (signed by Magistrate Judge Roy S Payne) NOE by: sjd (sd) [Entry date 07/09/96]

- 7/19/96 33 ✓ MEMORANDUM RULING granting [26-1] motion to refer bankruptcy discharge issue to the Bankruptcy Court; granting in part, denying in part [11-1] motion to transfer case to Colorado. The Motion to Transfer is granted insofar as it pertains to the nonbankruptcy claimws and denied insofar as it pertains to the bankruptcy discharge issue. (signed by Magistrate Judge Roy S Payne) NOE by: sjd (sd)
- 7/19/96 34 ORDER OF SEVERANCE AND REFERRAL TO BANKRUPTCY COURT granting [26-1] motion to refer bankruptcy discharge issue to the Bankruptcy Court. Paragraphs 23-32 to plaintiffs' original complaint is SEVERED from the remainder of the action. The severed bankruptcy discharge claim is referred to the USBC/WDLA. (signed by Magistrate Judge Roy S Payne) NOE by: sjd (sd)
- 7/19/96 35 ORDER re [11-1] motion to transfer case to Colorado. The Clerk is ordered to transfer this action, less and except the bankruptcy discharge claim that has been severed and referred to the USBC/WDLA to the USDC for the District of Colorado. This order shall be STAYED for 15 days. If an appeal is taken to the District Judge, the order shall remain stayed until the appeal is decided. If, after 15 days, no appeal has been filed, the clerk shall transfer the action forthwith. (signed by Magistrate Judge Roy S Payne) NOE by: sjd (sd)
- 7/19/96 -- Case closed (sd)
- 7/29/96 36 APPEAL by Crystal Oil Co, Crystal Exp & Prod appealing Magistrate's Ruling on [35-1] order. Appeal set for 9/20/96 before Judge Tom Stagg. Notice issued. (om) [Entry date 07/30/96]
- 7/29/96 37 APPEAL by Atlantic Richfield appealing Magistrate's Ruling on [34-1] order. Appeal set for 9/20/96 before Judge Tom Stagg. Notice issued. (om) [Entry date 07/30/96]
- 7/29/96 38 MOTION by Atlantic Richfield to extend time to file memorandum in support of statement of appeal with Proposed Order referred to Judge Tom Stagg (om) [Entry date 07/30/96]
- 7/30/96 41 MOTION by Crystal Exp & Prod for summary judgment declaring that ARCO assumed environmental liabilities associated with the Rico mining property under its contract with CEPCO, and that ARCO take nothing by way of its counterclaim against CEPCO, with Memorandum, not referred and not set before Judge Tom Stagg at this time. This motion is being stayed pending ruling on appeal regarding transfer of case. (ATTCH-X) (om) [Entry date 08/02/96] [Edit date 08/02/96]
- 7/31/96 39 MOTION by Atlantic Richfield for stay pending appeal of order of severance and referral to bankruptcy court, and request for expedited consideration of [39-1] motion with Memorandum and Proposed Order referred to Judge Tom Stagg (om) [Entry date 08/01/96]
- 7/31/96 42 STATEMENT of material facts by Crystal Exp & Prod regarding

[41-1] motion for summary judgment declaring that ARCO assumed environmental liabilities associated with the Rico mining property under its contract with CEPCO, and that ARCO take nothing by way of its counterclaim against CEPCO (om) [Entry date 08/02/96]

- 8/1/96 40 ORDER granting [38-1] motion to extend time to file memorandum in support of statement of appeal until 08/02/96. (signed by Magistrate Judge Roy S Payne) NOE by: sjd (sd) [Edit date 08/02/96]
- 8/2/96 43 MEMORANDUM ORDER granting in part, denying in part [39-1] motion for stay pending appeal of order of severance and referral to bankruptcy court; mooted [39-2] motion request for expedited consideration of [39-1] motion. ARCO seeks to stay the referral of the discharge claim in this case to the Bankruptcy Court of this district. Because the issues raised in the appeal do not appear to have substantial merit, the Court concludes that there is no good reason to delay the proceedings on the discharge claim in the Bankruptcy Court. Even if Judge Stagg were to conclude that the reference should be withdrawn or vacated, the efforts devoted to resolution of the discharge claim in the Bankruptcy Court would not be wasted. Accordingly, the Motion for Stay is DENIED. However, the motion also raises the fact that Crystal has filed a Motion for Summary Judgment on the contract claim. This court has ordered that the contract claim be transferred to the District of Colorado, although that transfer has been stayed pending appeal to Judge Stagg. ARCO should not be required to oppose that motion for summary judgment in this court unless Judge Stagg vacates the transfer. Accordingly, all further proceedings on the contract claim, including the Motion for Summary Judgment filed on 07/30/96 are stayed pending further order, except for those proceedings related to the appeal. (signed by Magistrate Judge Roy S Payne) NOE by: sjd (sd)
- 8/2/96 44 MEMORANDUM by Atlantic Richfield in support of [37-1] motion appealing Magistrate's Ruling (om) [Entry date 08/06/96]
- 8/8/96 45 ORDER denying [39-1] motion for stay pending appeal of order of severance and referral to bankruptcy court; mooted [39-2] motion request for expedited consideration of [39-1] motion. (signed by Magistrate Judge Roy S Payne) NOE by: sjd (sd)
- 8/13/96 46 JOINT MOTION by Crystal Oil Co, Crystal Exp & Prod, Atlantic Richfield for extension of time to file responses to appeals with Proposed Order referred to Judge Tom Stagg (om) [Entry date 08/14/96]
- 8/15/96 47 ORDER granting [46-1] motion for extension of time to file responses to appeals; Response to motion reset to 8/16/96 for [36-1] motion appealing Magistrate's Ruling; Response to motion reset to 8/22/96 for [37-1] motion appealing Magistrate's Ruling. (signed by Magistrate Judge Roy S Payne) NOE by: sjd (sd) [Entry date 08/16/96]
- 8/16/96 48 MEMORANDUM by Atlantic Richfield in opposition to [36-1] motion appealing Magistrate's Ruling (om) [Entry date 08/19/96]

8/22/96 49 RESPONSE by Crystal Oil Co to [37-1] motion appealing Magistrate's Ruling (om) [Entry date 08/26/96]

8/28/96 50 JOINT MOTION by Crystal Oil Co, Crystal Exp & Prod, Atlantic Richfield for extension of time to file reply memoranda in support of appeals with Proposed Order referred to Judge Tom Stagg (om) [Entry date 08/29/96]

9/3/96 51 ORDER granting [50-1] motion for extension of time to file reply memoranda in support of appeals; Reply to Response to Motion reset to 9/13/96 for [37-1] motion appealing Magistrate's Ruling; reset to 9/13/96 for [36-1] motion appealing Magistrate's Ruling. (signed by Magistrate Judge Roy S Payne) NOE by: sjd (sd)

9/13/96 52 REPLY by Crystal Oil Co, Crystal Exp & Prod in support of [36-1] motion appealing Magistrate's Ruling (om) [Entry date 09/16/96]

9/13/96 53 REPLY MEMORANDUM by Atlantic Richfield in support of [37-1] motion appealing Magistrate's Ruling and motion for mandatory withdrawal of reference (Re: 5:96CV2034) (om) [Entry date 09/16/96]

11/6/96 54 STIPULATION of Dismissal (om) [Entry date 11/07/96]

8/7/97 55 LETTER by Albert M Hand Jr to Judge Stagg, dated 10/18/96, requesting oral argument in this matter. Copy to All Counsel of Record (om)

8/7/97 56 LETTER by W Michael Adams to Judge Stagg, dated 10/21/97, stating that he does not believe that oral argument is necessary regarding matters currently before the Court. Copy to All Counsel of Record (om)

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Case Flags:  
DISC  
CLOSED

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END OF DOCKET: 5:95cv2115

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